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Attorneys for Plaintiff
ORACLE AMERICA, INC.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

ORACLE AMERICA, INC.

Plaintiff,

v.

GOOGLE, INC.

Defendant.

Case No. CV 10-03561 WHA

**ORACLE AMERICA, INC.'S
ADMINISTRATIVE MOTION TO FILE
UNDER SEAL PORTIONS OF ORACLE'S
RESPONSIVE SUPPLEMENTAL BRIEF IN
OPPOSITION TO GOOGLE'S MOTION IN
LIMINE NO. 3 TO EXCLUDE PORTIONS
OF COCKBURN REPORT ON DAMAGES**

Dept.: Courtroom 8, 19th Floor
Judge: The Honorable William Alsup

1 Plaintiff Oracle America, Inc. ("Oracle") hereby moves to file portions of its Responsive
 2 Supplemental Brief In Opposition To Google's Motion *In Limine* No. 3 To Exclude Portions Of
 3 Cockburn Report On Damages as well as exhibits A, C-F, H, J, L, M to the Declaration of Meredith
 4 Dearborn under seal.

5 The Order Approving Stipulated Protective Order Subject to Stated Conditions entered in this
 6 case (Dkt. No. 68) dictates that when material has been designated as Confidential or Highly
 7 Confidential – Attorney's Eyes Only, a party may not file it in the public record, but must seek to file it
 8 under seal pursuant to Local Rule 79-5. (December 17, 2010 Stipulated Protective Order (Docket No.
 9 66) § 14.4.) Accordingly, Oracle seeks to file under seal those portions of the motion and declarations
 10 in support thereof referencing documents that Google has designated Confidential or Highly
 11 Confidential – Attorneys' Eyes Only. Oracle states no position as to whether disclosure of materials
 12 marked by Google as Confidential or Highly Confidential – Attorneys' Eyes Only material would cause
 13 harm to Google.

14 Oracle also moves to seal portions of the Cockburn deposition transcript, reflected in Exhibit H
 15 to the Dearborn Declaration and quoted in lines 8:20-23 and 12:5-13 of Oracle's Response to Google's
 16 Supplemental Brief. Those portions relate to the negotiating history between the parties, the intellectual
 17 property covered by the starting-point license, and Prof. Cockburn's consideration of the contents of
 18 those negotiations. For the reasons stated in the Declaration of Matthew Sarboraria (Dkt. No. 570),
 19 which concerned portions of the same transcript, those documents should remain under seal.

20 Dated: October 27, 2011

BOIES, SCHILLER & FLEXNER LLP

21 By: /s/ Steven C. Holtzman
 22 Steven C. Holtzman

23 *Attorneys for Plaintiff*
 24 ORACLE AMERICA, INC.